IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 4TH JANUARY 2007 / 14TH PAUSHA 1928

WP(C).No. 422 of 2007(A)

AGAINST THE ORDER IN E.P NO.368/2002. IN RCP.59/2000
of RENT CONTROL COURT,KANNUR

PETITIONER:

KANMANATH VISWAN, S/O. VELAYUDHAN,
NEAR KRISHI BHAVAN, BUILDING NO.PPVI 485,
P.O.KOTTALI, KANNUR.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS:

1. KADAVATH PURAYIL KUNHAMINA,
D/O. HASSAINAR, AGED 50 YEARS, NO OCCUPATION.

2. KADAVATH PURAYIL ANWAR, S/O. KUNHAMINA,
AGED 37 YEARS

3. KADAVATH PURAYIL HANEEFA,
S/O. KUNHAMINA, AGED 34 YEARS

4. KADAVATH PURAYIL SANEER,
S/O. KUNHAMINA, AGED 29 YEARS

5. KADAVATH PURAYIL AMER, S/O. KUNHAMINA,
AGED 25 YEARS

6. KADAVATH PURAYIL MEHABOOB,
S/O. KUNHAMINA, AGED 22 YEARS

7. KADAVATH PURAYIL MEHAROOF,
S/O. KUNHAMINA, AGED 19 YEARS

ALL IN KADAVATH PURAYIL HOUSE,
KUNHIPALLY, P.O.KOTTALI, KANNUR.

BY /

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ

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W.P.(C). NO. 422 OF 2007

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Dated this the 4th day of January 2007

JUDGMENT

Abdul Gafoor, J

Against an order passed in R.C.P. No. 59/2000 on the file of Rent Control, Kannur the petitioner filed R.C.A. No. 49/2003 before the Appellate Authority. After about pendency of about more than 3 years it was dismissed for default, on 20.01.2006. He filed an application I.A. No. 158/2006 to restore the appeal. During its pendency execution proceedings are at his door steps. Therefore he seeks an order to avert execution during the pendency of Interlocutory Application No. 158/2006 which stands posted to 13.02.2007. It is apprehended that delivery may be ordered in the meanwhile.

2. In such circumstances it is open to the petitioner to seek advancement of the hearing of the said I.A. which the Appellate Authority shall consider. He can also show sufficient reason for

appropriate order of stay of execution proceedings. Therefore, there is no reason to invoke jurisdiction vested in this court.

The Writ petition is dismissed accordingly.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

RV